

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building
100 Maryland Avenue
Rockville, Maryland 20850
(240) 777-6600**

www.montgomerycountymd.gov/mc/council/board.html

WORKSESSION ADDENDUM MINUTES

Second Floor Davidson Memorial Hearing Room

Wednesday, February 18, 2004, 9:00 A.M.

ACTION ITEM:

1. **A-5972, Petition of Chester L. Coates** (side lot line setback and sum of both side yards requirement). Letter to the Board from the petitioner requesting an expedited hearing.

Action: Granted expedited hearing, (AIF/LLM, 5-0).

Board Members

Donald H. Spence, Jr., Chairman
Donna L. Barron, Vice Chairman
Louise L. Mayer
Angelo M. Caputo
Allison Ishihara Fultz

Staff

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ACTION ITEMS:

1. **Minutes**, January 21 and February 4, 2004, Worksessions.

Action: Approved as amended, (AMC/LLM, 5-0).

2. **Order Extending Time for the Board's Written Opinion** for 30 days is required in the following case:

(a) A-5952, Petition of Jodi Arlen (existing single-family dwelling and a two-story addition). Hearing held 1/7/04.

Action: Granted Order Extending Time, (AIF/DLB, 5-0).

3. **A-5962, Petition of Quarles Petroleum** (day care center). Letter to the Board from Jody S. Kline, requesting to combine the special exception and variance hearings.

Action: (1) Granted request to combine the public hearings; (2) referred the variance record to the Office of the Hearing Examiner, (DLB/LLM, 5-0).

4. **A-5963, Appeal of Robert Johnson and Gary Wheeler** (Historic Preservation Commission – Historic Area Work Permit No. 322092). Letter to the Board from Joel S. Aronson, Esquire, withdrawing the appeal and requesting a refund of the filing fee.

Action: (1) Dismissed the appeal as withdrawn, (2) Granted 100% (\$200.00) refund of the filing fee, (AMC/AIF, 5-0).

5. **A-5968, Petition of Mark Pfefferle and Ann Kempiski** (Rear lot line setback). Letter to the Board from the Petitioners requesting an expedited hearing.

Action: Granted expedited hearing request, (LLM/DLB, 50). Date of hearing will 3/3/04 @ 9:30 a.m.

6. **CBA-2428, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from John R. Barr, Esquire. (Large exhibit: photometric plan).

Action: (1) Re-opened the record to include the letter from Mr. Barr with attachments; (2) granted administrative modification, (AIF/LLM, 5-0).

7. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan).

Action: (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff of review of administrative modification request, consensus.

8. **S-858-A, Petition of Surjeet K. Singh** (child day care facility). Letter to the Board from the petitioner requesting an administrative modification. (Large exhibits: landscape plan and site and drainage detail plan).

Action: (1) Item referred for DPS for inspection of the special exception; (2) item referred to M-NCPPC Technical Staff for review the administrative modification request, (LLM/AIF, 5-0).

9. **S-2504, Petition of Marriott Senior Living Services, Inc.** (housing and related facilities for the elderly or handicapped). Letter to the Board from Timothy Dugan, Esquire, requesting a change of name, an extension to implement and an administrative modification.

Action: Granted administrative modification, (DLB/LLM, 5-0).

10. **S-2571, Petition of Brian R. Perry and Susie Perry-Tjan** (accessory apartment). Letter to the Board from Haleh Safaipour requesting a transfer of the special exception.

Action: Granted administrative modification, (DLB/AIF, 5-0).

PENDING ITEMS:

11. **CBA-1332, Petition of Huggins and Harrison, Inc.** (outdoor automobile sales lot). Letter to the Board from the petitioner requesting an administrative modification. Item deferred for additional information. Board requests a site plan with dimensions that shows the location of the trailer in relation to the property's boundary lines.

12. **CBA-1620, Petition of Jack Coopersmith** (automobile filling station). Letter to the Board from John R. Barr, Esquire, requesting a transfer and an administrative modification. Also included is a letter of support from the Darnestown Civic Association. (Large exhibits: site and construction details plans). Referred to the M-NCPPC Technical Staff for review.

13. **CBA-1220 [CBA-2103], Petition of Briggs, Wamsley and Samperton [Governor's House Motel]**. Memorandum from Stanley N. Garber clarifying his memorandum and request dated July 18, 2003 (item returning from October 8, 2003 WS). Item deferred for receipt of a site plan.

14. **CBA-2180 and S-254, Petition of J. H. Burton and Sons, of Hyattsville, Inc.** (horticultural nursery and commercial greenhouse). Letter to the Board from Kevin P. Fay, Esquire, requesting the record to be re-opened to admit a June 11, 1999 site plan. Item deferred to allow Board time to review file.

15. **CBA-2372 [CBA-2372-A], Petition of Mobil Oil Corporation** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. (Large exhibits: site development and landscape plans). Item deferred for site and photometric plans.

PENDING ITEMS (continued):

16. **CBA-2460, Petition of The National Capital Area Council – Boy Scouts of America** (eleemosynary and philanthropic institution). Letter to the Board from Patricia A. Harris, Esquire, requesting an administrative modification. Referred to MNCPPC Technical Staff for review and analysis.

17. **S-420-G, Petition of Holy Cross Hospital of Silver Spring, Inc.** (hospital). Letters to the Board from Cheryl A. Gustitus. Item deferred for inspection by DPS.

18. **S-569, [CBA-3051, S-95], Petition of C. O. and M. E. Bland** (horticultural nursery). Letter of complaint to the Board from David C. Gardner, Esquire, regarding the special exception use. Board requests DPS inspection of the special exception property.

19. **S-570, Petition of Izaak Walton League** (outdoor shooting range). Field Report and Noise Survey from the Department of Environmental Protection (DEP) and a letter from Dan Martin. Re-opened the record to include the letters from DEP and Mr. Martin. *ITEM WILL RETURN TO THE BOARD'S AGENDA IN SEPTEMBER OR OCTOBER FOR THE ANNUAL REVIEW HEARING.*

20. **S-858, Petition of Surjeet K. Singh** (child day care facility). Letter to the Board from the petitioner requesting an administrative modification. Also included is a memorandum to the Board from Stanley N. Garber, Investigator, DPS, requesting a Show Cause Hearing. Item deferred for review by DPS of trash enclosure, stockade fence, existing and proposed landscaping and use of pool.

21. **S-1064, Petition of Greentech Landscaping, Inc.** (horticultural nursery and greenhouse). Letter to the Board from Leon Trager and Andrew Sebastian, requesting a transfer and an administrative modification. Deferred for review by M-NCPCC Technical Staff.

22. **S-1751, Petition of Hanna D. Saah** (boardinghouse). Memorandum to the Board from Stanley N. Garber, Zoning Investigator, DPS, regarding the inspection of the special exception. Letter will be sent to the petitioner to determine what future action he proposes for the special exception property.

23. **S-1903, Petition of Exxon Company, U.S.A.** (automobile filling station). Letter to the Board from Jody S. Kline, Esquire, requesting an administrative modification. Item deferred for an approved landscape and lighting plan.

24. **S-2054, Petition of Miguel Vigil-Hernandez** (accessory apartment). Letter to the Board from Michelle Weaver, requesting reconsideration. Item deferred for issuance of the Board Resolution transferring the special exception.

25. **S-2477, Petition of American Tower Corporation and AT&T Wireless Services** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from John R. D. Copley. Referred to DPS for review.

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